

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Marc A. Zeppetello, SBN# 121185 SF Bay Conservation and Development Commission 455 Golden Gate Ave., Ste. 10600, San Francisco, CA 94102 TELEPHONE NO.: 415-352-3655 FAX NO.: 415-352-3606 E-MAIL ADDRESS: marc.zeppetello@bcdcc.ca.gov ATTORNEY FOR (Name): SF Bay Conservation and Development Commission	FOR COURT USE ONLY Executive Director San Francisco Bay Conservation and Development Commission Gov't Code 11181(e) 14 C.C.R. § 11320
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: SF Bay Conservation and Development Commission MAILING ADDRESS: 455 Golden Gate Ave., Ste. 10600 CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME:	
PLAINTIFF/PETITIONER: In Re: BCDCC Enforcement Investigation ER2013.009 DEFENDANT/RESPONDENT: Scott's Jack London Seafood, Inc. and the Port of Oakland	
DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS	CASE NUMBER: BCDCC Enforcement Investigation No. ER2013.009

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):

Custodian of Records, Scott's Jack London Seafood, Inc. 2770 Camino Diablo #B, Walnut Creek, CA 94597

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

To (name of deposition officer):

On (date): January 18, 2017

At (time): 9:30 a.m.

Location (address): 2770 Camino Diablo #B, Walnut Creek, CA 94597

Do not release the requested records to the deposition officer prior to the date and time stated above.

- ☐ by delivering a true, legible, and durable **copy** of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
 - ☐ by delivering a true, legible, and durable **copy** of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
 - ☒ by making the **original** business records described in item 3 available for inspection at your business address by the attorney's representative and permitting **copying** at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):

See Attachment 3

☒ Continued on Attachment 3.

4. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: December 22, 2016

Lawrence J. Goldzband

(TYPE OR PRINT NAME)

(SIGNATURE OF PERSON ISSUING SUBPOENA)

Executive Director

(Proof of service on reverse)

(TITLE)

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SHORT TITLE: In Re: Scott's Jack London Seafood, Inc. and the Port of Oakland	CASE NUMBER: BCDC Enf. Inv. No. ER2013.009
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ATTACHMENT (Number): 3

(This Attachment may be used with any Judicial Council form.)

ATTACHMENT TO DEPOSITION SUBPOENA FOR THE PRODUCTION OF BUSINESS RECORDS
ISSUED TO THE CUSTODIAN OF RECORDS FOR SCOTT'S JACK LONDON SEAFOOD, INC.

RECORDS TO BE PRODUCED:

1. All invoices, billing statements, memoranda, or correspondence showing the amounts billed by Scott's Jack London Seafood, Inc. or Scott's Seafood Jack London Square for each and every event held at or in the pavilion at Scott's Seafood Jack London Square during calendar year 2014.
2. All invoices, billing statements, memoranda, or correspondence showing the amounts billed by Scott's Jack London Seafood, Inc. or Scott's Seafood Jack London Square for each and every event held at or in the pavilion at Scott's Seafood Jack London Square during calendar year 2015.
3. All invoices, billing statements, memoranda, or correspondence showing the amounts billed by Scott's Jack London Seafood, Inc. or Scott's Seafood Jack London Square for each and every event held at or in the pavilion at Scott's Seafood Jack London Square during calendar year 2016.
4. All year-end financial statements (including but not limited to balance sheets, statements of financial position, statements or reports of the company's assets, liabilities, and owners equity) prepared by or on behalf of Scott's Jack London Seafood, Inc. for the calendar year 2014, or for every federal income tax reporting period used by the company that includes any month in the year 2014.
5. All year-end financial statements (including but not limited to balance sheets, statements of financial position, statements or reports of the company's assets, liabilities, and owners equity) prepared by or on behalf of Scott's Jack London Seafood, Inc. for the calendar year 2015, or for every federal income tax reporting period used by the company that includes any month in the year 2015.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

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(Add pages as required)

Attorney or Party without Attorney: MARC A ZEPPELLO, Bar #121185 SF BAY CONSERVATION & DEVELOPMENT COMM 455 GOLDEN GATE AVENUE SUITE 10600 SAN FRANCISCO, CA 94102 Telephone No: 415-352-3600 FAX No: 415-352-3606				For Court Use Only	
Attorney for: Plaintiff					
Ref. No. or File No.:					
Insert name of Court, and Judicial District and Branch Court:					
Plaintiff: IN RE: BCDC ENFORCEMENT INVESTIGATION ER2013.009 Defendant: SCOTT'S JACK LONDON SEAFOOD, INC., et al.					
PROOF OF SERVICE DEPOSITION SUBPOENA		Hearing Date: Wed, Jan. 18, 2017	Time: 9:30AM	Dept/Div:	Case Number: ER2013.009

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the DEPOSITION SUBPOENA FOR BUSINESS RECORDS; ATTACHMENT.
3. a. Party served: CUSTODIAN OF RECORDS, SCOTT'S JACK LONDON SEAFOOD, INC. -
ATTN: RAYMOND GALLHAGER OR LIZ GALLHAGER
b. Person served: LIZ GALLHAGER, AUTHORIZED TO ACCEPT, White, Female, 30'S Years Old, Brown Hair, 5 Feet 8 Inches, 150 Pounds
4. Address where the party was served: 2770 CAMINO DIABLO
#B
WALNUT CREEK, CA 94597
5. I served the party:
 - a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive process for the party (1) on: Tue., Dec. 27, 2016 (2) at: 2:34PM
 - b. I received this subpoena for service on: Thursday, December 22, 2016
6. Witness fees were not demanded or paid.

7. Person Who Served Papers:

a. FAHEEM MOORE

Recoverable Cost Per CCP 1033.5(a)(4)(B)

d. The Fee for Service was: \$85.00



P.O. Box 5383
 Walnut Creek, CA 94596
 (925) 947-1221
 fax (925) 947-1375

LEGAL SERVICES
 Registration # 792

- e. I am: (3) registered California process server
- (i) Independent Contractor
 - (ii) Registration No.: 1225
 - (iii) County: Alameda
 - (iv) Expiration Date: Mon, Jul. 10, 2017

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Wed, Dec. 28, 2016